



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155



IN REPLY REFER TO:  
3598  
UTU-0122693  
(UT-931)

JUN 2 1999

CERTIFIED MAIL--Return Receipt Requested

Mr. Robert E. Covington  
Consultant  
Ziegler Chemical & Mineral  
P.O. Box 1845  
Vernal, Utah 84078

### **ORDER** **REMOVAL OF OIL DRUMS** **Cowboy No. 1 Shaft Federal Coal Lease U-0122693**

The Bureau of Land Management (BLM) is confirming a verbal order issued to Mr. Norman Haslem (Zeigler) from Mr. Stan Perkes (BLM) on May 25, 1999. The order is to remove all oil drums outside of the generator building at the Cowboy No.1 shaft located on Federal Coal lease U -0122693 pursuant to the authority of 43 CFR 3598.3 within 20 days of receipt of this order. This order is being issued for poor housekeeping activities at the mine and situations which can lead to environmental harm if left unattended. Should you fail to comply with this order without just cause, BLM will issue a Notice of Non-Compliance pursuant with 43 CFR 3598.4.

This order will remain in effect until the lessee receives written approval lifting the order.

Should you have any questions, please call Mr. Stan Perkes (801) 539-4036.

#### Appeal Rights

You have 30 calendar days to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 calendar days following at the end of the compliance period. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition



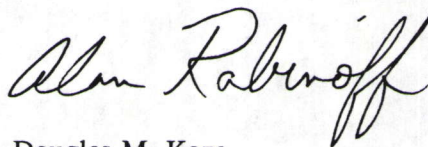
for a stay must also be submitted to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards;

- (1) The relative harm to the parties if a stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of the immediate and irreparable harm if the stay is not granted, and;
- (4) Whether the public interest favors granting the stay.

Sincerely,



for Douglas M. Koza  
Deputy State Director, Natural Resources

Enclosure

Form 1842-1

cc: Norman Haslem  
Ziegler Mineral and Chemical Corporation  
Star Route, Vernal, Utah 84078

Tony Gallegos  
Utah Division of Oil, Gas, and Mining  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

Gordon Ziegler, President  
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